

2009 DRAFTING REQUEST

Bill

Received: **10/09/2009**

Received By: **phurley**

Wanted: **As time permits**

Identical to LRB:

For: **Fred Risser (608) 266-1627**

By/Representing:

This file may be shown to any legislator: **NO**

Drafter: **phurley**

May Contact:

Addl. Drafters:

Subject: **Courts - miscellaneous
Real Estate - miscellaneous**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Risser@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Notice of foreclosure

Instructions:

815.31 and 815.29 both have 3 places of public notice - change to one public place and the county website, if the county maintains one.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	phurley 10/23/2009	jdye 11/13/2009					
/P1			jfrantze 11/13/2009		cduerst 11/13/2009		
/P2	phurley 11/23/2009	jdye 12/02/2009	jfrantze 12/02/2009		mbarman 12/02/2009		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	phurley 12/22/2009	wjackson 12/28/2009	mduchek 12/28/2009	_____	cduerst 12/28/2009	cduerst 01/07/2010	

FE Sent For: **NONE**

<END>

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1 WJ 12/28

MD
12/28

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/P1		<i>p2 12/1/09</i>	jfrantze 11/13/2009	<i>Km 12/2/09</i>	cdurst 11/13/2009		

FE Sent For:

12/2 <END>

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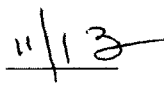
Topic:

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Instructions:

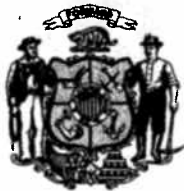
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/?	phurley 10/23/2009	lrb_editor 11/13/09					

FE Sent For:

<END>



State of Wisconsin
2009 - 2010 LEGISLATURE

PI
LRB-3657/3

PJH:.....
jld

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

11-13-09
today

✓ Gen

- 1 AN ACT ...; relating to: providing public notice of a sale of personal property or
2 real estate on execution.✓

Analysis by the Legislative Reference Bureau

Under current law, a judge may order that personal property or real estate be sold to satisfy a judgment against a person. Current law requires that public notice of the sale be posted in three public places in the town or municipality where the sale is to be held and, in the case of real estate, where the real estate is located, if the real estate is not within the town or municipality where the sale is to be held.✓

This bill requires that public notice of the sale be posted in one public place in the town or municipality where the sale is to be held and, in the case of real estate, where the real estate is located, and on a website that is maintained by the county, town, or municipality where the sale is to be held and on a website that is maintained by the county, town, or municipality where the real estate is located, if the real estate is not within the town or municipality where the sale is to be held.✓

check ✓
*
*
*

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- 3 SECTION 1. 815.29 (1) of the statutes is amended to read:
4 815.29 (1) No execution sale of personal property shall be made unless 20 days
5 previous notice of such sale has been given by posting notices a notice thereof in 3

1 ~~public places~~ one public place of the town or municipality where such sale is to be had,
2 ~~specifying and, if the county, town, or municipality where such sale is to be had~~
3 maintains a website, by posting a notice on the website. The notice shall specify the
4 time and place of sale but when any property seized is likely to perish or depreciate
5 in value before the expiration of the 20 days the court or a judge may order the same
6 to be sold in such manner and upon such terms as the best interests of the parties
7 demand. Every such sale shall be made at auction between the hour of 9 a.m. and
8 5 p.m. and no property shall be sold unless it is in view of those attending the sale,
9 except in the case of the sale of the interest of the judgment debtor in property in the
10 possession of a secured party. It shall be offered for sale in such lots and parcels as
11 is calculated to bring the highest price.

History: Sup. Ct. Order, 67 Wis. 2d 585, 761, 781 (1975); Stats. 1975 s. 815.29.

12 **SECTION 2.** 815.31 (1) of the statutes is amended to read:

13 815.31 (1) The time and place of holding any sale of real estate on execution
14 shall be publicly advertised by posting a written notice describing the real estate to
15 be sold with reasonable certainty in ~~3 public places~~ one public place in the town or
16 municipality where such real estate is to be sold and, if the county, town, or
17 municipality where such real estate is to be sold maintains a website, by posting a
18 notice on the website, at least 3 weeks prior to the date of sale; and also in ~~3 public~~
19 ~~places~~ one public place of the town or municipality in which the real estate is
20 situated, if it is not in the town or municipality where the sale is to be held and, if
21 the county, town, or municipality where such real estate is situated maintains a
22 website, also posting a notice on the website.

History: 1973 c. 189; Sup. Ct. Order, 67 Wis. 2d 585, 761 (1975); Stats. 1975 s. 815.31; 1993 a. 486.

(END)

Hurley, Peggy

From: Supple, Ryan
Sent: Monday, November 23, 2009 11:39 AM
To: Hurley, Peggy
Subject: FW: Proposed legislation
Attachments: DOC112209.pdf

Hi Peggy,

We would like to make a few minor changes to this draft. We want to require only Counties to post notices on their websites. We would like to permit other municipalities to do so, but not require them to. Attached are the changes suggested by the Lieutenant who requested the bill. If you could redraft it, making these changes in the proper way, that would be great.

Thanks,

Ryan Supple
Office of Senate President Fred Risser
220 South, State Capitol
PO Box 7882
Madison, WI 53707
(608) 266-1627

From: Olig, Rick [mailto:Rick.Olig@fdlco.wi.gov]
Sent: Sunday, November 22, 2009 10:00 AM
To: Supple, Ryan
Cc: Ramie Zelenkova
Subject: RE: Proposed legislation

Here is the draft with the changes most counties have suggested....

The problem is many townships and villages have a website but do not have the ability to update them on a weekly basis. By having the county put them on their website and also "Permitting" the towns and municipalities to also put them on the website, this would not cause the small municipalities any hardship.

Does this make sense?

Lieutenant Rick Olig
Fond du Lac County Sheriff's Office
180 S. Macy Street
Fond du Lac, WI 54935
(920) 929-3378 Office
(920) 929-3918 Fax
rick.olig@fdlco.wi.gov
www.fdlsheriff.com

11/23/2009



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-3657/P1

PJH:jld:jf

TODAY

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

11-23-08

Reger

AN ACT to amend 815.29 (1) and 815.31 (1) of the statutes; relating to: providing public notice of a sale of personal property or real estate on execution.

Analysis by the Legislative Reference Bureau

Under current law, a judge may order that personal property or real estate be sold to satisfy a judgment against a person. Current law requires that public notice of the sale be posted in three public places in the town or municipality where the sale is to be held and, in the case of real estate, where the real estate is located, if the real estate is not within the town or municipality where the sale is to be held.

This bill requires that public notice of the sale be posted in one public place in the town or municipality where the sale is to be held and, in the case of real estate, where the real estate is located, and on a Web site that is maintained by the county town, or municipality where the sale is to be held and on a Web site that is maintained by the county town, or municipality where the real estate is located, if the real estate is not within the town or municipality where the sale is to be held.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 815.29 (1) of the statutes is amended to read:
815.29 (1) No execution sale of personal property shall be made unless 20 days previous notice of such sale has been given by posting notices a notice thereof in

NO # Under the town or municipality where sale is to be held or where the real estate is located maintains a Web site, the town or municipality may also post the notice on the Web site.

1 ~~public places~~ one public place of the town or municipality where such sale is to be had,
2 specifying ~~and, if the county town, or municipality~~ where such sale is to be had
3 maintains a Web site, by posting a notice on the Web site. The notice shall specify
4 the time and place of sale but when any property seized is likely to perish or
5 depreciate in value before the expiration of the 20 days the court or a judge may order
6 the same to be sold in such manner and upon such terms as the best interests of the
7 parties demand. Every such sale shall be made at auction between the hour of 9 a.m.
8 and 5 p.m. and no property shall be sold unless it is in view of those attending the
9 sale, except in the case of the sale of the interest of the judgment debtor in property
10 in the possession of a secured party. It shall be offered for sale in such lots and parcels
11 as is calculated to bring the highest price.

12 SECTION 2. 815.31 (1) of the statutes is amended to read:

13 815.31 (1) The time and place of holding any sale of real estate on execution
14 shall be publicly advertised by posting a written notice describing the real estate to
15 be sold with reasonable certainty in ~~3 public places~~ one public place in the town or
16 municipality where such real estate is to be sold and, if the county town, or
17 municipality where such real estate is to be sold maintains a Web site, by posting a
18 notice on the Web site, at least 3 weeks prior to the date of sale; and also in ~~3 public~~
19 ~~places~~ one public place of the town or municipality in which the real estate is
20 situated, if it is not in the town or municipality where the sale is to be held and, if
21 the county town, or municipality where such real estate is situated maintains a Web
22 site, also posting a notice on the Web site.

23
Score (END)

Insert B

**2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3657/P1ins
PJH:jld:jf

INSERT A:

~~NO~~ If the town or municipality where such sale is to be had maintains a Web site,
the town or municipality may also post a notice on its Web site.

INSERT B:

~~NO~~ If the town or municipality where such real estate is situated or is to be sold
maintains a Web site, the town or municipality may also post a notice on its Web site. plain



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-3657/1

PJH:jld:jf

RMR

↑
Stays

2009 BILL

Soon

Regen

- 1 AN ACT *to amend* 815.29 (1) and 815.31 (1) of the statutes; **relating to:** providing
2 public notice of a sale of personal property or real estate on execution.

Analysis by the Legislative Reference Bureau

Under current law, a judge may order that personal property or real estate be sold to satisfy a judgment against a person. Current law requires that public notice of the sale be posted in three public places in the town or municipality where the sale is to be held and, in the case of real estate, where the real estate is located, if the real estate is not within the town or municipality where the sale is to be held.

This bill requires that public notice of the sale be posted in one public place in the town or municipality where the sale is to be held and, in the case of real estate, where the real estate is located, and on a Web site that is maintained by the county where the sale is to be held and on a Web site that is maintained by the county where the real estate is located, if the real estate is not within the town or municipality where the sale is to be held. Under the bill, if the town or municipality where the sale is to be held or where the real estate is located maintains a Web site, like town or municipality may also post the notice on its Web site.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- 3 SECTION 1. 815.29 (1) of the statutes is amended to read:

BILL**SECTION 1**

1 815.29 (1) No execution sale of personal property shall be made unless 20 days
2 previous notice of such sale has been given by posting ~~notices~~ a notice thereof in 3
3 ~~public places~~ one public place of the town or municipality where such sale is to be had,
4 ~~specifying and, if the county where such sale is to be had maintains a Web site, by~~
5 posting a notice on the Web site. If the town or municipality where such sale is to
6 be had maintains a Web site, the town or municipality may also post a notice on its
7 Web site. The notice shall specify the time and place of sale but when any property
8 seized is likely to perish or depreciate in value before the expiration of the 20 days
9 the court or a judge may order the same to be sold in such manner and upon such
10 terms as the best interests of the parties demand. Every such sale shall be made at
11 auction between the hour of 9 a.m. and 5 p.m. and no property shall be sold unless
12 it is in view of those attending the sale, except in the case of the sale of the interest
13 of the judgment debtor in property in the possession of a secured party. It shall be
14 offered for sale in such lots and parcels as is calculated to bring the highest price.

15 **SECTION 2.** 815.31 (1) of the statutes is amended to read:

16 815.31 (1) The time and place of holding any sale of real estate on execution
17 shall be publicly advertised by posting a written notice describing the real estate to
18 be sold with reasonable certainty in ~~3 public places~~ one public place in the town or
19 municipality where such real estate is to be sold and, if the county where such real
20 estate is to be sold maintains a Web site, by posting a notice on the Web site, at least
21 3 weeks prior to the date of sale; and also in ~~3 public places~~ one public place of the
22 town or municipality in which the real estate is situated, if it is not in the town or
23 municipality where the sale is to be held and, if the county where such real estate
24 is situated maintains a Web site, also posting a notice on the Web site. If the town

BILL

1 or municipality where such real estate is situated or is to be sold maintains a Web
2 site, the town or municipality may also post a notice on its Web site.

3 (END)

Duerst, Christina

From: Sen.Risser
Sent: Thursday, January 07, 2010 3:46 PM
To: LRB.Legal
Subject: Draft Review: LRB 09-3657/1 Topic: Notice of foreclosure

Please Jacket LRB 09-3657/1 for the SENATE.